IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 16675 of 2004**

Between:

K.Kistaiah, S/o.Swamy, Conductor, H.No.3-7, Anajpur, Village, Ranga Reddy District.

..... PETITIONER

AND

The Depot Manager,APSRTC, Hayathnagar Depot,

Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent as illegal, arbitrary and null and void consequently direct the respondent to effect fixation of pay and add notional increments since 2001 and pay the arrears forthwith.

**Counsel for the Petitioner:MR.S.PRADEEP KUMAR**

**Counsel for the Respondent : MR.V.T.M. Prasad-**

**-Standing Counsel for APSRTC**

**The Court at the stage of admission made the following O R D E R:**

Heard learned counsel for the parties.

The petitioner is working as a Conductor in the respondent-Corporation. He was removed from service on certain cash and ticket irregularities in the year 1994. He raised an industrial dispute vide I.D.No.239 of 1995 on the file of Labour Court-III, Hyderabad, which was later transferred to Industrial Tribunal-II, Hyderabad and renumbered as I.D.No.80 of 1999. The Industrial Tribunal passed an award on 10-05-2000 directing reinstatement of the petitioner with continuity of service and without back wages. The petitioner approached the Divisional Manager, APSRTC, Sanathnagar Division, Hyderabad, and the Divisional Manager issued orders dated 13-06-2000 reinstating the petitioner. Accordingly, the petitioner reported to duty on 06-06-2000 and he has been requesting the respondent-Corporation to fix his pay after working out the notional increments, but the respondent is treating the petitioner as a fresher and paying him the fresh basic-pay. The grievance of the petitioner is that he is drawing less pay than his colleagues. He issued a legal notice on 30-08-2004 requesting the respondent to fix his pay and add the notional increments to the pay from 2000, but the respondent did not fix the pay after adding the notional increments. The petitioner, therefore, approached this Court by way of this writ petition, seeking a direction to the respondent to fix his pay by adding the notional increments for the period from the date of termination till the date of reinstatement.

It is a settled position of law that whenever an employee is reinstated with continuity of service, the employer is expected to work out the notional increments and fix the

pay of the employee after adding the notional increments and pay the salary as per the scale to which, he is entitled to.

In the light of the circumstances narrated by the petitioner, it is noticed that there is in action on the part of the respondent. Therefore, the writ petition is disposed of, at the stage of admission, with a direction to the respondent to fix the pay of the petitioner by adding the notional increments for the period from the date of termination of the service till the date of reinstatement, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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17-09-2004

Note:Furnish C.C in two days

B/o

vrn

To

1. The Depot Manager,APSRTC, Hayathnagar Depot,

Ranga Reddy District.

2. Two C.D. copies